

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LENDLEIN, A.	Examiner:	HELM, C.E.
Serial No.:	10/511,019	Group Art Unit:	1615
Filed:	October 21, 2005	Confirmation No.:	8707
For:	Method of Achieving a Shape-Memory Effect on Hair		
Customer No.:	23719 <small>PATENT TRADEMARK OFFICE</small>	Kalow & Springut LLP 488 Madison Avenue, 19th Floor New York, New York 10022	

August 22, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This reply is to the Restriction Requirement mailed on February 22, 2008 in connection with the above-identified application. The time set for filing a response to the restriction requirement expired on March 22, 2008. Applicants hereby request a five-month extension of time under 37 CFR 1.136(a) and authorizes the Patent Office to charge the Deposit Account No. identified below. Accordingly, the period set to reply to the Office Action expires on August 22, 2008, and thus this reply is timely filed.

Applicant provisionally elects, with traverse, the subject matter in Group I Claims 1-11, 19, 26 and 28, drawn to a method for the treatment of hair and the species macromer poly(ϵ -caprolactone)-dimethacrylate (claim 6) and the additional macromer poly(ethylene-glycol)-monoacrylate (claim 10).

Applicant specifically reserves the right to pursue the claims not elected in one or more divisional applications.

Applicant respectfully disagrees with the Examiner's restriction, and submits that the Examiner has not met the burden of establishing two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121 and that the search poses an undue burden on the U.S. Patent Office. For example, the claims in Groups I-III all have use on hair and can be formulated in a cosmetic composition for hair treatment. Thus, the distinctions between Groups I-III and the species claimed therein are unclear and the Examiner has not established that the inventions in Groups I-III and species therein are independent and distinct.

Moreover, searching each claim group would not pose a serious burden on the U.S. Patent Office, as the Examiner would almost certainly cite the same reference in one group against the other groups (*e.g.*, polyesters in Group I against crosslinked polymers in Group II). Applicants submit that separate searches for each of the alleged groups and species would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the US Patent Office.

Accordingly, Applicants respectfully request that the restriction/election requirement be reconsidered and withdrawn.